

May 12 Delta Stewardship Council Panel: Delta Cities

Your participation as a panelist is greatly appreciated. The Delta Stewardship Council has identified the following questions as having potential significance for development of a Delta Plan. Please consider these questions and your city's interests in your preparations for the May 12 panel discussion.

1. The Legislature has acknowledged that the statutory Delta is "inherently a flood prone area wherein the most appropriate uses are agriculture, wildlife habitat, and . . . recreational activities," [PRC 29704]. The Legislature has also directed that the Delta Plan "shall attempt to reduce risks to people, property, and state interests in the Delta by promoting effective emergency preparedness, appropriate land uses, and strategic levee investments." [WC 85305]

- What are the interests of your city regarding flood risk and land use in the Primary Zone and/or Secondary Zone of the Delta?
- For purposes of reducing Delta flood risk, how are the interests of your city and the surrounding county similar, and how do they differ?
- What are your city's priorities in considering how to balance flood plain protection with pressures for development in the Secondary Zone?

A substantial portion of Stockton's urbanized area is in the Secondary Area of the Delta and immediately adjacent to the Primary Area of the Delta. Within the City of Stockton's portion of the Secondary Zone of the Delta there are 56,000+ dwelling units with a population of 167,000 covering 36 square miles. All of these areas are protected by urban standard levee systems, which are jointly maintained by reclamation districts, the County and City/County Joint Powers Authorities. All of these agencies participate cooperatively to maintain improve and develop the flood protection system to protect the urbanized area with in the Secondary Zone of the Delta. The City is not considering any new development areas with in the Secondary Area of the Delta that do not already have an urban level of flood protection already in place today.

2. The Third Staff Draft Delta Plan, in Chapter 7, contains proposed policies designed to reduce flood risk in the Delta [RR P1-P6], along with proposed recommendations [RR R1-R8].

- How well do the policies and recommendations identified in the Third Staff Draft address your key interests? RR P2 – These policies appear to be written as to give authority to the DSC to control flood flows from urban development and other sources. This could have the effect of severely curtailing any urban development within the Secondary Zone of the Delta. The City of Stockton opposes this policy if this is the intended purpose. The areas mentioned in RR P3 do not appear to be within the City of Stockton's jurisdiction. RR P4 – This policy appears consistent with state and federal law.
- Are there different approaches or policies available to the Council to achieve its statutory mandate? Yes, allow existing jurisdictions (Cities, Counties, flood control agencies, reclamation districts) to carry out their statutory requirements to reduce flood risk in the Delta.

- In general terms, what would be the cost of your alternative approach or policy, and who would pay? The cost of the existing programs is established by the agencies (Cities, Counties, flood control agencies, reclamation districts) that currently are involved in the reduction of flood risk, and additional state funding could be used by these agencies to enhance Delta flood programs.

3. The Third Staff Draft Delta Plan, in Chapter 7, also contains proposed performance measures intended to assist in evaluating progress.

- How useful will the proposed performance measures be in evaluating progress? (response in order of listed bullet points) PM 1 – This measure would provide a very general indicator of flood protection in the Delta. PM 2 – May not be useful at all in protecting people or state interests. PM 3 – This measure would also be a very generalized metric by which to evaluate flood damage. What would Expected Annual Damage be measured in? PM 4- This measure could be helpful if fully implemented to reduce risk to people and property. PM-5 Such a measure may be too generalized and may avoid a focus on key floodplains and floodways in the Delta.
- Are there different performance measures available to the Council to achieve its statutory mandate? Yes, allow the existing agencies with jurisdiction over this area to work together and develop performance measures based on their expertise in flood control.
- In general terms, why is your proposed performance measure more likely to be useful? Existing agencies have experience in addressing and reducing risks to people, property and state interests in the Delta. Further the agencies have the staff, equipment, expertise and state and federal permits in place to fulfill this mandate.

4. The Third Staff Draft Delta Plan, in Chapter 5, contains proposed policies [ER P1-P6] and recommendations [ER R1-R5] designed to meet the co-equal goal of “protecting, restoring, and enhancing the Delta ecosystem.”

- How well do the policies and recommendations identified in the Third Staff Draft address your key interests?
- Are there different approaches or policies available to the Council to achieve its statutory mandate?
- In general terms, what would be the cost of your alternative approach or policy, and who would pay?

The city of Stockton is very concerned about the potential impact of Policy ER P5 on the planned development and redevelopment in the City. The City is bifurcated by the Secondary Zone and we are concerned about how the Delta Plan will be interpreted not only for development within existing City limits on the west side, but also in the heart of downtown. We suggest the Council institute underlying decisions on conformity with the Delta Plan to address these situations. One such decision might be that development projects in conformance with the General Plan within the City of Stockton

city limits do not substantially reduce opportunities for ecosystem restoration, habitat creation, etc. Under this approach, there is no added cost to the Council. It is the City's understanding and position that all contemplated and existing development within the adopted 2035 General Plan, Urban Service Area, Infrastructure Master Plans, and Sphere of Influence boundaries (including areas within the Primary and Secondary Zone of the Sacramento/San Joaquin Delta as defined by the Delta Protection Act of 1992) and covered by the corresponding Certified EIR are exempt from the "covered actions" under the Delta Reform Act, as a Notice of Determination was filed prior to the effective date of the Delta Plan. If this is not the understanding of the Delta Stewardship Council, the City of Stockton respectfully requests that any future development activities within the City's adopted 2035 General Plan, Urban Service Area, Infrastructure Master Plans, and Sphere of Influence boundaries (including areas within the Primary and Secondary Zone of the Sacramento/San Joaquin Delta as defined by the Delta Protection Act of 1992) will be considered an exempt activity in the Delta Plan.

5. The Third Staff Draft Delta Plan, in Chapter 5, also contains proposed performance measures intended to assist in evaluating progress.

- How useful will the proposed performance measures be in evaluating progress?
- Are there different performance measures available to the Council to achieve its statutory mandate?
- In general terms, why is your proposed performance measure more likely to be useful?

The proposed performance measures are not useful in evaluating the development, redevelopment and in-fill within the City of Stockton. It is clear from the verbiage of the performance measures that they are intended for the habitats and ecosystems of the undeveloped and agricultural land within the Delta. These performance measures clearly do not apply to the west half of Stockton.

6. The Third Staff Draft Delta Plan, in Chapter 6, contains proposed recommendations [WQ R1-R9] designed to improve water quality in order to meet the co-equal goals.

- How well do the policies and recommendations identified in the Third Staff Draft address your key interests?
- Are there different approaches or policies available to the Council to achieve its statutory mandate?
- In general terms, what would be the cost of your alternative approach or policy, and who would pay?

We agree with the premise of the recommendations that the responsibility for water quality rests with the State Water Resources Control Board and the Regional Water Quality Control Board. While we do not agree with all of your recommendations, we certainly support your right to make those recommendations. However, many of your recommendations appear to reflect your scientific understanding of impact to water quality in the Delta. We strongly recommend that such recommendations should more appropriately come from the Delta Independent Science Board.

7. The Third Staff Draft Delta Plan, in Chapter 6, also contains proposed performance measures intended to assist in evaluating progress.

- How useful will the proposed performance measures be in evaluating progress?
- Are there different performance measures available to the Council to achieve its statutory mandate?
- In general terms, why is your proposed performance measure more likely to be useful?

In general, we understand your interest in development of performance measures. However, strongly believe that any performance measures should be based on regulatory limits established by the State Water Resources Control Board and the Regional Water Quality Control Board. In addition, we suggest that the appropriate body to again deal with scientific issues is the Delta Independent Science Board.

8. The Third Staff Draft Delta Plan, in Chapter 8, contains proposed recommendations [DP R1-R7] designed to meet the Legislature's direction to achieve the co-equal goals "in a manner that protects and enhances the unique cultural, recreational, natural resources, and agricultural values of the Delta as an evolving place." [29702(a)]

- How well do the recommendations identified in the Third Staff Draft address your key interests?
- Are there different approaches or policies available to the Council to achieve its statutory mandate?
- In general terms, what would be the cost of your alternative approach or policy, and who would pay?

As with previous recommendations, these appear to be related to the "Delta as a place". The City of Stockton is an urban environment. In fact, your opening paragraph of Chapter 8 talks about relocating from Stockton to the Delta. Clearly, the Council's image of the Delta and the associated policies and recommendations do not reflect the urban environment of downtown Stockton. We urge the Council to make this clear distinction in the Delta Plan by only including those policies and recommendations that are applicable to the urban environment apply to the urban environment.

9. The Third Staff Draft Delta Plan, in Chapter 8, also contains proposed performance measures intended to assist in evaluating progress.

- How useful will the proposed performance measures be in evaluating progress?
- Are there different performance measures available to the Council to achieve its statutory mandate?
- In general terms, why is your proposed performance measure more likely to be useful?

As previously stated, the performance measures do not seem to be written to apply to Stockton. We strongly recommend that the differences between the Stockton urban environment and the vast majority of the Delta be clearly differentiated.





